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7 BROADCAST MUSIC, INC. et al.

8  
9 UNITED STATES DISTRICT COURT  
10  
NORTHERN DISTRICT OF CALIFORNIA

11 BROADCAST MUSIC, INC. et al.,

No. C-04 3121 PJH (JCS)

12 Plaintiffs,

Action Filed: July 30, 2004

13 v.

STIPULATED MOTION FOR  
VOLUNTARY DISMISSAL

14 UGUR, INC. d/b/a SPIEDO RISTORANTE and  
15 HAMDI UGUR, individually,

AND ORDER

16 Defendants.  
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HOWARD  
RICE  
NEMEROVSKI  
CANADY  
FALK  
& RABKIN  
*A Professional Corporation*

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff Broadcast Music, Inc. et al. and Defendants Ugur, Inc. d/b/a Spiedo Ristorante and Hamdi Ugur, by and through their respective counsel, hereby agree and stipulate to the dismissal, with prejudice, of this action, including all claims, pursuant to the parties' settlement. Each party shall bear its own costs and attorneys fees.

The parties request that the Court retain jurisdiction through February 2006 for the limited purpose of entering a Stipulated Judgment Upon Consent, in the event of the Defendants' default under the terms of a Settlement Agreement between the parties.

DATED: April \_\_\_, 2005.

KAREN S. FRANK  
SIMON J. FRANKEL  
HOWARD RICE NEMEROVSKI CANADY FALK &  
RABKIN  
A Professional Corporation

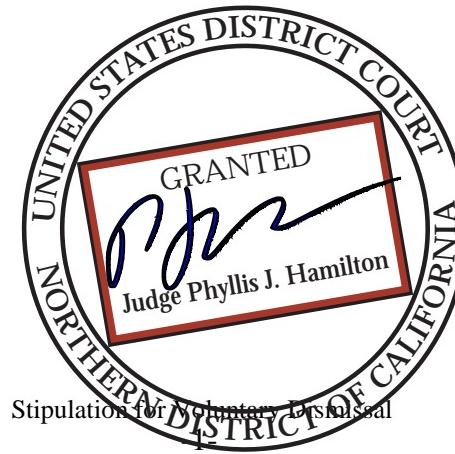
By: \_\_\_\_\_  
KAREN S. FRANK  
Attorneys for Plaintiffs BROADCAST MUSIC, INC.,  
ET AL.

DATED: April \_\_\_, 2005.

LAWRENCE P. RAMIREZ  
RAMIREZ & BROWN LLP

By: \_\_\_\_\_  
LAWRENCE P. RAMIREZ

Attorney for Defendants UGUR, INC., d/b/a SPIEDO  
RISTORANTE and HAMDI UGUR



## **PROOF OF SERVICE BY MAIL**

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen (18) years and not a party to the within action; my business address is Three Embarcadero Center, 7th Floor, San Francisco, California 94111-4024.

I am readily familiar with the practice for collection and processing of documents for mailing with the United States Postal Service of Howard Rice Nemerovski Canady Falk & Rabkin, A Professional Corporation, and that practice is that the documents are deposited with the United States Postal Service with postage fully prepaid the same day as the day of collection in the ordinary course of business.

On June 20, 2005, I served the following document(s) described as STIPULATION FOR VOLUNTARY DISMISSAL on the persons listed below by placing the document(s) for deposit in the United States Postal Service through the regular mail collection process at the law offices of Howard Rice Nemerovski Canady Falk & Rabkin, A Professional Corporation, located at Three Embarcadero Center, 7th Floor, San Francisco, California, to be served by mail addressed as follows:

Lawrence P. Ramirez, Esq.  
Brown & Ramirez, LLP  
The Community Towers  
111 North Market Street, Suite 1010  
San Jose, CA 95113

Harry Weistrop  
890 Main Street  
P.O. Box 248 (94019-0248)  
Half Moon Bay, CA 94019-2180

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California on June 20, 2005.

Kathleen A. Bliven

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